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THE COURT: I am concerned, of course, that in this particular case there's a great disparity among the several defendants who have been sentenced for this activity. But I want to tell you some of the things that concern me, and part of what concerns me grows out of my association with this case from the very beginning, when I had all -- I think there are five defendants who were at one point going to trial.

What I learned at the suppression hearing was that Mr. Bucci was arrested with his small child, and it is at that time that he had drugs and drug paraphernalia in his automobile with his small child. I don't know what he was going to do with it, whether he was going to any kind of transaction on that occasion; I just know that his small child at the time of his arrest was with a man who had drugs in his car and paraphernalia to traffic in drugs in his car at the same time he was with his small child.

The other thing that I know is that that web site -- maybe Mr. Dupont put that information on there, but there was -- that specific information about that use of that money was information that was -- other people had learned about it, but that was a particular kind of information that related to the conditions of his release. Maybe Michael Dupont put it there. I didn't see any correction of the information.

1 And I, frankly, feel that I was deceived. And I
2 see in this record that I wasn't the first United States
3 district judge to be deceived by Mr. Bucci. The presentence
4 report tells me that he overstated his drug problem the last
5 time he was sentenced so he could get the 500-hour drug
6 treatment program.

7 Am I wrong about that? Is that in your report?

8 PROBATION OFFICER: That's correct, your Honor.

9 THE COURT: So this isn't the first time a United
10 States district judge has been deceived.

11 Then what I've got in front of me is not a drug
12 deal alone -- that's what Mr. Bucci is charged with, dealing
13 with cocaine, but what this was -- it's not just dealing
14 cocaine, but a robbery, an armed robbery, a man with a gun. I
15 think it's foreseeable that that gun could have been
16 brandished, might even have been used, but leave that aside.
17 There's a man with a gun, and they're taking drugs from a drug
18 dealer, a lot of drugs from a drug dealer.

19 So Mr. Bucci is charged with drug dealing, not with
20 armed robbery in this case, but that's what happened in this
21 case.

22 And then I hear from the evidence that even among
23 his confederates he is deceiving. That whole business with
24 Mr. Muolo and flushing the drugs down the toilet and
25 Mr. Minotti is going to be cheated. That's the evidence that I

1 heard before me.

2 And then there is the evidence of the drug dealing
3 for which Mr. Bucci is not charged, the marijuana deals with
4 Mr. Ruiz. I'm unhappy about Mr. Ruiz, the great deal Mr. Ruiz
5 had in relation to the defense before me, but it strikes me,
6 despite all the letters and all the good things that have been
7 said about Mr. Bucci and the great outpouring that is here in
8 this court and what is now an acknowledged drug problem, there
9 is need for significant punishment here.

10 The question is: Why isn't 17 years enough? What
11 difference does the -- difference between 17 years and at least
12 the low end of the guideline range? I think it's this -- I
13 think there is a difference, and I think the 17 years that --
14 that Mr. McNeil is correct, the 17 years punishment, the bare
15 facts of this case, a drug transaction where there's been a
16 previous conviction of a drug transaction and a gun, it does
17 not take into account these other factors -- the organizing,
18 the leadership, and the danger that people are put to. That
19 armed robbery in that Malden parking lot exposed at least the
20 people there to danger, all of the people there. Mr. Ruiz,
21 Mr. Minotti, Mr. Bucci, Mr. Jordan all were exposed in a
22 robbery of a drug dealer. And then I don't know who else was
23 in the parking lot at the Malden Hospital or who else might
24 have been in the parking lot. This was a parking lot of a
25 hospital where there might have been people walking by at any

1 time. This was planned. A robbery was planned in a place
2 where people could have been walking to and from the hospital.
3 And I know there's a risk to people after the robbery, because
4 Mr. Ruiz comes along looking for his drugs or his money.

5 The danger was such that, as I said, the agent,
6 Mr. Drouin, had to intercede, and Mr. Jordan decided this has
7 gone too far, let's give it all back.

8 These are the factors that I take into account in
9 deciding what is the appropriate punishment for Mr. Bucci.

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